

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>PABLO ACRE, et al.,</b>	:	<b>CIVIL ACTION NO. 1:04-CV-0832</b>
	:	
<b>Plaintiffs</b>	:	<b>(Judge Conner)</b>
<b>v.</b>	:	
	:	
<b>CHASE MANHATTAN MORTGAGE CORP., et al.,</b>	:	
	:	
<b>Defendants</b>	:	

**ORDER**

AND NOW, this 20th day of March, 2007, upon consideration of the motion to withdraw as counsel (Doc. 159), filed by counsel for plaintiffs: (1) Ariel Garcia, (2) Felicia Garcia, (3) Kirk Gittens, (4) Dianne Gittens, (5) Lisa Glover, (6) Patricia Glover, (7) Felisha Flowers-Moore, (8) Alfred Moore, (9) Elaine Myrie,<sup>1</sup> (10) Thomas Rist, (11) Joann Rist, (12) Joe L. Rodriguez, (13) Gail A. Valle, (14) Lionel Ruffin, (15) Brooke Singh, (16) Binod Singh, (17) Dawn Spinner, (18) Jeffrey West, (19) Cathy Goode, and (20) Duncan Keizer, and it appearing that these plaintiffs have failed to respond to numerous discovery requests despite counsel's warning that failure to respond: (1) would result in plaintiffs' counsel seeking to withdraw and (2) may result in plaintiffs' claims being dismissed (see Doc. 159, Exs. A-L), that plaintiffs Brooke Singh, Binod Singh, and Duncan Keizer agreed to voluntarily

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<sup>1</sup> In a subsequent letter to the court, counsel seeks to postpone the court's disposition of the motion for ninety days with respect to Elaine Myrie. (See Doc. 160.) In granting the instant motion, see infra, the court will exclude Ms. Myrie without postponing the disposition of any portion of the motion. If counsel still wishes to withdraw as Ms. Myrie's counsel after ninety days, counsel shall file a new motion.

dismiss their claims against defendants (see Doc. 159, Ex. B), and the court finding that good cause for the withdrawal exists because of plaintiffs' failure to respond to numerous requests of their counsel and the resulting financial burden on counsel, see PA. RULES PROF'L CONDUCT R. 1.16(b)(5), (6); see also L.R. 83.23.2 (adopting Pennsylvania Rules of Professional Conduct), it is hereby ORDERED that:

1. The motion to withdraw as counsel (Doc. 159) is GRANTED. See PA. RULES PROF'L CONDUCT R. 1.16(b)(5), (6); L.R. 83.23.2.
2. All attorneys of record are TERMINATED for the following plaintiffs: (1) Ariel Garcia, (2) Felicia Garcia, (3) Kirk Gittens, (4) Dianne Gittens, (5) Lisa Glover, (6) Patricia Glover, (7) Felisha Flowers-Moore, (8) Alfred Moore, (9) Thomas Rist, (10) Joann Rist, (11) Joe L. Rodriguez, (12) Gail A. Valle, (13) Lionel Ruffin, (14) Brooke Singh, (15) Binod Singh, (16) Dawn Spinner, (17) Jeffrey West, (18) Cathy Goode, and (19) Duncan Keizer.
3. The Clerk of Court is directed to designate the above-named plaintiffs as *pro se* plaintiffs.
4. The claims of plaintiffs Brooke Singh, Binod Singh, and Duncan Keizer are DISMISSED.
5. On or before April 10, 2007, the following plaintiffs shall file a response showing cause why their claims should not be dismissed for failure to respond to discovery requests or to prosecute this action: (1) Ariel Garcia, (2) Felicia Garcia, (3) Kirk Gittens, (4) Dianne Gittens, (5) Lisa Glover, (6) Patricia Glover, (7) Felisha Flowers-Moore, (8) Alfred Moore, (9) Thomas Rist, (10) Joann Rist, (11) Joe L. Rodriguez, (12) Gail A. Valle, (13) Lionel Ruffin, (14) Dawn Spinner, (15) Jeffrey West, and (16) Cathy Goode. A plaintiff's failure to file a response shall result in the dismissal of plaintiff's claims. See FED. R. CIV. P. 37, 41(b); see also Link v. Wabash R.R. Co., 370 U.S. 626, 630-31 (1962) (interpreting Federal Rule of Civil Procedure 41(b) as permitting *sua sponte* dismissal by the court); Poulis v. State Farm Fire & Cas. Co., 747 F.2d 863, 868 (3d Cir. 1984).

6. The Clerk of Court is directed to send a copy of this order via regular mail to:
  - a. Ariel Garcia at 4 Pleasant Street, Apt. 1, Binghamton, New York, 13901.
  - b. Felicia Garcia (Jimenez) at 101-32 106th Street, Ozone Park, New York, 11416.
  - c. Kirk Gittens at 1063 Mosser Road, Apt. D202, Breinigsville, Pennsylvania, 18301.
  - d. Dianne Gittens at 1063 Mosser Road, Apt. D202, Breinigsville, Pennsylvania, 18301.
  - e. Lisa Glover at 8355 Coyote Drive, H-278, Tobyhanna, Pennsylvania, 18466.
  - f. Patricia Glover at 8355 Coyote Drive, H-278, Tobyhanna, Pennsylvania, 18466.
  - g. Felisha Flowers-Moore at 1955 Bells Ferry Road, Apt. 4438, Marietta, Georgia, 30066.
  - h. Alfred Moore at 2326 West 8th Street, Brooklyn, New York, 11223.
  - i. Elaine Myrie at 96 B North Second Street, Stroudsburg, Pennsylvania, 18360.
  - j. Thomas Rist at 1512 Johns Way, Tobyhanna, Pennsylvania, 18466.
  - k. Joann Rist at 1512 Johns Way, Tobyhanna, Pennsylvania, 18466.
  - l. Joe L. Rodriguez at 4 Sader Lane, Apt. 2-M, Yonkers, New York, 10710.
  - m. Estate of Gail A. Valle, c/o Joe L. Rodriguez at 4 Sader Lane, Apt. 2-M, Yonkers, New York, 10710.
  - n. Lionel Ruffin at 2308 Horatio Road, Tobyhanna, Pennsylvania, 18466.

- o. Brooke Singh at 6377 Ebenezer Road, Orrstown, Pennsylvania, 17244.
- p. Binod Singh at 6377 Ebenezer Road, Orrstown, Pennsylvania, 17244.
- q. Dawn Spinner at 1701 Rocks Spring Drive, Apt. 2157, Las Vegas, Nevada, 89128.
- r. Jeffrey West at 874 Penn Estates, East Stroudsburg, Pennsylvania, 18301.
- s. Cathy Goode at 874 Penn Estates, East Stroudsburg, Pennsylvania, 18301.
- t. Duncan Keizer at 8812 Black Bird Drive, Tobyhanna, Pennsylvania, 18466.

/s/ Christopher C. Conner  
CHRISTOPHER C. CONNER  
United States District Judge